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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,160	06/13/2001	Luca Toncelli	SAIC 18,749	6155
26304	7590	10/22/2003	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN			BOYD, JENNIFER A	
575 MADISON AVENUE			ART UNIT	PAPER NUMBER
NEW YORK, NY 10022-2585			1771	

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/868,160

Applicant(s)

TONCELLI, LUCA

Examiner

Jennifer A Boyd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-2, 4- 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Response to Arguments***

1. The Applicant's Amendments and Accompanying Remarks, filed July 3, 2003, have been entered and have been carefully considered. Claim 2 is cancelled, claims 1 – 2 and 4 – 5 are amended, claim 6 is added and claims 1 – 2 and 4 – 6 are pending. The Examiner acknowledges the request to correct the term "HARDEND" to "HARDENED" filed on October 17, 2001 and confirms the correction has been made. In view of Applicant's Amendments, the Examiner withdraws the Objection to the Specification and the Claims as set forth in paragraphs 2 – 3 of the previous Office Action dated April 3, 2003. In view of Applicant's amendments, the Examiner withdraws the 35 U.S.C. 112, 2<sup>nd</sup> paragraph rejection of claim 3 as set forth in paragraphs 5 – 6 of the previous Office Action dated April 3, 2003. In view of the Applicant's Amendments, the Examiner withdraws the rejection of claims 1, 3 and 5 under 35 U.S.C. 102(b) as being anticipated by Lewis (US 4,744,843) and claims 2 and 4 under 35 U.S.C. 103(a) as being unpatentable over Lewis (US 4,744,843) in view of Stijntjes et al. (US 4,839,220) as set forth in paragraphs 10 – 12 of the previous Office Action dated April 3, 2003. Despite these advances, the invention as currently claimed is not found to be patentable for reasons herein below.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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3. Claims 1 – 2 and 5 - 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsura (JP 11-130222) in view of Lewis (US 4,744,843).

Katsura is directed to a resin-made conveyor belt (Title).

As to claim 1, Katsura teaches a belt consisting of two core bodies, 2, an upper cover layer, 4, and an intermediate layer 3 (See Figure 1 and Abstract). The Examiner equates the core bodies to Applicant's "first and second layer of cloth" and the upper cover and intermediate layer to Applicant's "first and second layer of rubber". Katsura teaches that the core bodies are woven fabrics made from polyester or nylon fibers (Abstract). Katsura teaches that the upper cover layer and intermediate layer are formed of polyurethane (Abstract). It is assumed that because the upper cover layer and intermediate layer are of the same composition, they have the same heat transfer properties.

As to claim 2, Katsura teaches that the upper cover layer and intermediate layer, equated to Applicant's "first and second layer of rubber", are formed of polyurethane (Abstract).

As to claim 6, Katsura teaches a belt with specified dimensions, thus "finite-length" (see Example, page 2). It should be noted that the recitation of "for use in the process of the production of slab, wherein said sheet is initially attached to a slab and is then subsequently removed therefrom" is not given patentable weight at this time since the prior art meets the structural and/or chemical limitations set forth and there is nothing on record to evidence that the prior art product could not function in the desired capacity. The burden is shifted upon the Applicant to evidence the contrary.

Katsura fails to teach that the belt can be dimensionally stabilized by heating to a temperature in the region of 160 Celsius as required by claim 1 and performed for 1 – 3 hours as required by claim 5.

Lewis is directed to a method for producing conveyor belts or other molded articles (column 1, lines 10 – 12). In Figure 1, Lewis discloses a belt with nonwoven layers (1), elastomer layers (2) and woven layers (3) (column 1, lines 45 – 60). Lewis teaches that the molded article is cured at a temperature between 90 – 165 degrees Celsius for about 15 to 90 minutes depending on the cure recipe and thickness (column 2, lines 4 – 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to dimensionally stabilize the structure of Katsura by curing as suggested by Lewis motivated by the desire to enhance the bonding between the elastomer and woven layers.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katsura (JP 09-309734 A) in view of Stijntjes et al. (US 4,839,220).

Katsura teaches the claimed invention except fails to disclose that the woven material layers comprises a polyester warp and a nylon weft.

Since Katsura does not teach the structure of the woven material, it would have been necessary for one of ordinary skill in the art at the time the invention was made to provide the details of the specific woven material used. As polyesters and polyamides provide the proper stiffness thus minimizing breakage of the conveyor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ polyester as the as warp

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and nylon as the weft as suggested by Stijntjes in the invention of Katsura, motivated by the expectation of successfully practicing the disclosed invention.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1 – 2 and 4 - 6 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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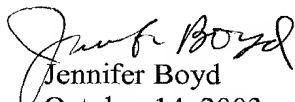
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Boyd whose telephone number is 703-305-7082. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
Jennifer Boyd  
October 14, 2003

  
TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
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